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TAGS: [KTIP](#) [PREL](#) [KCRM](#) [KWMN](#) [PHUM](#) [SMIG](#) [YM](#)
SUBJECT: YEMEN: TIP TIER 2 WATCH LIST ACTION PLAN
(2009-2010)

REF: A. A. 2008 STATE 132759
[1](#)B. B. 2007 STATE 150188
[1](#)C. C. 2009 STATE 005577
[1](#)D. D. 2009 STATE 62182

[1](#)1. (U) This is an action request (see paras 2-4).

[1](#)2. (SBU) Begin action request: Drawing from points in para 8, Post is requested to approach appropriate host government officials to highlight the United States' strong commitment to continue to work with the Government of Yemen to help strengthen its efforts to combat and prevent trafficking in persons (TIP) and to assist victims. Post is requested to convey the recommendations in para 9 as a non-paper and draw from the talking points in para 8 to explain to the host government the need for prompt action on the recommendations for a positive review in the interim assessment that the Department will release to Congress by February 2010 and for movement out of the Tier 2 Watch List in next year's Report.

[1](#)3. (SBU) Action request continued: Post is further requested to emphasize to the Government of Yemen that these recommendations are often referred to as "high-priority" items for Tier 2 Watch List removal. However, sustained and significant anti-trafficking efforts by the government throughout the year will remain the basis for determining next year's tier placement. The interim assessment for Special Watch List countries (to include Tier 2 Watch List countries) will provide a progress report regarding the government's actions to address the short list recommendations designed to address the concerns that resulted in the country's placement on the Tier 2 Watch List in the 2009 TIP Report (high-priority items), but there will be no changes in tier ratings at that time. We will reconsider the government's tier placement when we conduct our annual full assessment for the March 2009-2010 reporting period next spring.

[1](#)4. (SBU) Action request continued: The Department recognizes that Post may choose to use this opportunity to provide additional recommendations, beyond the recommendations for moving out of the Tier 2 Watch List. In such a case, we request that Post make clear to the government which are the "high-priority" items to move off of the Tier 2 Watch List. (For posts, background information: G/TIP will be asking for posts to report on the country's progress in meeting these recommendations by no later than November 15, 2009, in order to compile narratives for the interim assessment.)

[1](#)5. (SBU) In preparation for the interim assessment and 2010 TIP Report, the Department is asking posts to work with host governments throughout the year to collect as many statistics as possible on law enforcement actions and judicial proceedings related to TIP crimes, specifically the Department requests data on investigations, prosecutions, convictions, and sentences (e.g., fines, probation, length of prison sentences imposed, asset seizure information when

available). Whether a government collects and provides this data consistent with the government's capacity to obtain such data is considered in determining whether the government qualifies for Tier 1. Law enforcement statistics, when available, are a good way of highlighting how well a government enforced its law and demonstrates strengths and weaknesses in various approaches. Please note that host governments and embassies must interpret data terms provided by host governments such as indictments, charges, cases disposed, cases submitted for prosecution, etc., to ensure that they fit into one of the following categories: investigations, prosecutions, convictions or sentences.

The Department cannot accept "trafficking-related" law enforcement statistics (e.g, statistics on prostitution or smuggling offenses) because their direct correlation to trafficking crimes is not clear. The Department will accept only law enforcement data that fall into the following categories: (1) investigations, prosecutions, convictions, and sentences for offenses that are explicitly defined as trafficking; and (2) investigations, prosecutions, convictions, and sentences for offenses that are not defined explicitly as trafficking but in which the competent law enforcement or judicial authority has specific evidence indicating that the defendant was involved in trafficking.

¶6. (SBU) The Department is also asking Posts to engage with host governments on efforts to address amendments made by the 2008 Trafficking Victims Protection Reauthorization Act (TVPRA). As indicated in reftel C, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier

¶3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

¶7. (SBU) Please keep in mind the TIP Report measures host government efforts. In order for anti-trafficking activities financed or conducted principally by parties outside the government to be considered for tier placement purposes, Post needs to demonstrate a concrete role or tangible value-added by a host government in such activities carried out by NGOs, international organizations, or posts.

¶8. (U) Background Points:

Begin talking points:

-- The Obama Administration views the fight against human trafficking, both at home and abroad, as a critical piece of our foreign policy agenda. We are committed to making progress on this issue in the months ahead by working closely with partners in every country.

-- The U.S. Government's Trafficking Victims Protection Act requires the State Department to submit an annual report to Congress on the status of foreign governments, efforts to combat trafficking in persons. Pursuant to the Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA), the Department created a special category for Tier 2 countries that do not show increasing efforts from the previous year, have a very significant number of victims, or whose Tier 2 rating is based on commitments to take additional steps over the next year.

-- Also as mandated by the TVPRA, by February 2010 the Department will submit to Congress an interim assessment. At the end of 2009 in preparation for that submission, the Department will conduct an assessment of Tier 2 Watch List countries' progress in responding to the specific issues of

concern that resulted in the Tier 2 Watch List rating.

-- We offer the following recommended actions to tackle specific shortcomings highlighted in the 2009 TIP Report. We believe these to be within the reasonable ability of your government to fulfill in the near-term and encourage you to take prompt action for a positive narrative in the interim assessment. New tier evaluations will not occur at the interim assessment. We will reconsider a government's tier placement when we conduct our annual full assessment for the 2009-2010 reporting period next spring. Prompt, appropriate, and significant actions will lead to a more favorable tier placement; conversely, failure to address the issues mentioned above may lead to a Tier 3 placement.

-- We would welcome the Government of Yemen's comments on these recommendations and any other ideas you might have to advance our common struggle against trafficking in persons.

End talking points.

19. (SBU) Begin Action Plan:

The United States recognizes that Yemen made progress on addressing human trafficking in 2008 and early 2009, particularly through the provision of protection and reunification services to child victims repatriated from Saudi Arabia. It also made notable strides in raising awareness of child labor trafficking and training police officers and border guards on the recognition and prevention of trafficking. We recommend, however, the Government of Yemen concentrate on implementing several reforms before we can advocate removing Yemen from the Tier 2 Watch List classification. We suggest the government focus its effort on three specific areas: 1) taking law enforcement action against human trafficking; 2) instituting a victim identification and referral mechanism; and 3) improving service provision of victims of trafficking. To help achieve these goals, we offer the following suggestions of specific steps the government could consider.

-- Enact legislation criminalizing child trafficking that is under consideration by the Parliament.

-- Consider the drafting and enactment of a comprehensive national law against human trafficking that includes transnational and internal trafficking of both adults and children. The law should define trafficking, specify who can be considered a trafficker, and outline a punishment scheme for various trafficking acts.

-- Ensure that police and relevant social welfare workers receive clear instructions regarding their specific roles and responsibilities to combat trafficking and protect victims. Establish and implement policies and procedures for identifying trafficking victims among vulnerable groups, interviewing potential victims, and transferring victims to the care, when appropriate, of local NGOs or international organizations, and assuring eventual reintegration. These steps will enhance the ability of police, other law enforcement entities, and social welfare officials to respond to the physical and psychological needs of trafficking victims.

-- Vigorously investigate and prosecute human trafficking offenses, including those involving cross-border child trafficking, internal trafficking, or trafficking for the purpose of commercial sexual exploitation. Convict and sentence trafficking offenders. Make available statistics on trafficking prosecutions, convictions, and sentences achieved during the year. Such statistics can include those prosecutions achieved under non-trafficking statutes (e.g., kidnapping, assault, rape, etc.), but must be confirmed to involve trafficking-specific crimes, such as forced adult or child labor, forced prostitution, and child prostitution.

-- Institute training on human trafficking as a standard part of the mandatory training program for new police and border

guards. Ensure that graduating law enforcement officials can distinguish between human trafficking and smuggling; have developed skills in interviewing suspected victims of trafficking; are aware of procedures for transferring victims to the care of NGOs or other social service providers; and understand how to properly report and document the crime.

-- Launch a nationwide awareness campaign aimed at educating government officials and the general public about the nature of human trafficking, particularly trafficking for the purpose of commercial sexual exploitation and the trafficking of adults. Publicize available resources for trafficking victims and populations vulnerable to trafficking. This could be carried out in a variety of locally appropriate ways. For example:

a. Air brief informational spots on local radio and television stations;

b. Give press interviews by government officials knowledgeable on trafficking or include discussions of trafficking and trafficking related issues in public appearances and speeches;

c. Place opinion editorials (op eds) on trafficking in persons in local newspapers;

d. Publicize, where appropriate, trafficking-related court proceedings in local news media; or

e. Encourage government-sponsored media including radio, television, and print to air anti-trafficking messages and advertisements free of charge.

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